

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

*** Criminal No.**

v.

**JOHN LEE FULTON, SR.,
a/k/a "Johnnie,"
APRIL MOORE,
WILLIAM HENRY MULDROW,
a/k/a "Willie,"
a/k/a "William Cooper,"
a/k/a "Fred Washington,"
RICARDO JAMES WOMBLE,
a/k/a "Rick,"
JERRY LEWIS PUGH,
CURTIS SAMPLE,
SHERRY LYN HEAVEL,
a/k/a "Michelle Beighan,"
a/k/a "Crystal T. Turnbaugh,"
a/k/a "Sherry Watkins,"
MELVIN WILLIAMS,
LOUIS HAMMOND,
ANTHONY CUNNINGHAM,
MICHELLE SCOTT,
a/k/a "Sherry,"
LARRY HALL,
JOHN DOE,
a/k/a "Pop,"**

*** (Conspiracy to Distribute and Possess
with Intent to Distribute Controlled
* Substances, 21 U.S.C. § 846; Health Care
Fraud, 18 U.S.C. § 1347; Identity Theft, 18
* U.S.C. § 1028(a)(7); Use of a Firearm In
Furtherance of a Drug Trafficking Crime,
* 18 U.S.C. § 924(c); Felon In Possession
of a Firearm, 18 U.S.C. § 922(g)(1);
* Obtaining Drugs by Fraud, 18 U.S.C. § 843;
Misbranding Drugs, 21 U.S.C. § 331(k);
* Aiding and Abetting, 18 U.S.C. § 2)**

Defendants.

INDICTMENT

COUNT ONE

The Grand Jury for the District of Maryland charges that:

Introduction

1. At all times relevant to the Indictment:

a. Oxycontin was a potent member of the oxycodone family of pain relievers, classified as a Schedule II controlled substance. It was a synthetic opioid analgesic manufactured by Purdue Pharma. Oxycontin tablets were controlled-release oral formulations of oxycodone hydrochloride indicated for the management of moderate to severe pain when a continuous, around the clock analgesic was needed for an extended period of time. Oxycontin was sold in tablet form in 10 mg., 20 mg., 40 mg., and 80 mg. strengths. Its street price ranged from between 50 cents and \$1.50 per milligram based on availability.

b. Percocet was part of the oxycodone family of pain relievers, classified as a Schedule II controlled substance. It was produced in a number of forms, including generic brands.

c. Clonazepam was a part of the benzodiazepine family of drugs and was used by drug addicts to extend the effects of the “high” and control the withdrawal symptoms. One of the brand names for clonazepam was Klonopin. Clonazepam was classified as a Schedule IV controlled substance.

d. Alprazolam was a part of the Benzodiazepine family of drugs and when used with an opiate, it produced a high without pronounced sedation. One of the brand names for alprazolam was Xanax. Alprazolam was classified as a Schedule IV controlled substance.

The Conspiracy

2. Beginning on a date unknown to the Grand Jury, but at least as of in or about February of 1999, and continuing through in or about November of 2003, in the District of Maryland and elsewhere, the defendants,

**JOHN LEE FULTON, SR.,
a/k/a “Johnnie,”
APRIL MOORE,
WILLIAM HENRY MULDROW,
a/k/a “Willie,” a/k/a “William Cooper,” a/k/a “Fred Washington,”
RICARDO JAMES WOMBLE,
a/k/a “Rick,”
JERRY LEWIS PUGH,
CURTIS SAMPLE,
SHERRY LYN HEAVEL,
a/k/a “Michelle Beighan, a/k/a “Crystal T. Turnbaugh,” a/k/a “Sherry Watkins,”
MELVIN WILLIAMS,
LOUIS HAMMOND,
ANTHONY CUNNINGHAM,
MICHELLE SCOTT,
a/k/a “Sherry,”
LARRY HALL, and
JOHN DOE,
a/k/a “Pop,**

did knowingly combine, conspire, confederate and agree with one another and with others known and unknown to the Grand Jury to distribute and possess with intent to distribute 5 grams or more of a mixture or substance containing a detectable amount of cocaine base, a Schedule II controlled substance, a quantity of oxycodone, a Schedule II controlled substance, and quantities of alprazolam and clonazepam, both which are Schedule IV controlled substances.

Manner and Means of the Conspiracy

The objects of the conspiracy were accomplished, in substance, as follows:

3. JOHN LEE FULTON, SR., WILLIAM HENRY MULDROW, MICHELLE SCOTT and others would create fraudulent prescriptions to obtain controlled and non-controlled prescription drugs from retail pharmacies throughout Maryland.

4. The defendants would acquire health insurance cards, including Maryland Medicaid program cards, of others to pay for fraudulent prescriptions presented to retail pharmacies

throughout Maryland.

5. JOHN LEE FULTON, SR., WILLIAM HENRY MULDROW, RICARDO WOMBLE and others would recruit individuals, including APRIL MOORE, SHERRY LYN HEAVEL, LOUIS HAMMOND, MELVIN WILLIAMS, JERRY LEWIS PUGH, LARRY HALL, CURTIS SAMPLE, MICHELLE SCOTT, JOHN DOE a/k/a “Pop” and others to pass these fraudulent prescriptions using their own insurance cards or with purchased/stolen cards provided to them by members of this drug organization.

6. JOHN LEE FULTON, SR., WILLIAM HENRY MULDROW, RICARDO WOMBLE and others would transport hired “runners” to pharmacies around Maryland, including locations in Prince George’s County, Montgomery County, Baltimore City, Baltimore County, Harford County, Howard County, Anne Arundel County and Charles County.

7. APRIL MOORE, SHERRY LYN HEAVEL, LOUIS HAMMOND, MELVIN WILLIAMS, JERRY LEWIS PUGH, LARRY HALL, CURTIS SAMPLE, MICHELLE SCOTT, JOHN DOE a/k/a “Pop” and others would present fraudulent prescriptions to pharmacies, obtain controlled substances, and turn the controlled substances over to JOHN LEE FULTON, SR., WILLIAM HENRY MULDROW, RICARDO WOMBLE and others.

8. JOHN LEE FULTON, SR., WILLIAM HENRY MULDROW and others would list telephone numbers used by them or others known to them on fraudulent prescriptions being passed by members of the organization in case pharmacies called to verify the validity of the prescriptions.

9. JOHN LEE FULTON, SR., WILLIAM HENRY MULDROW, RICARDO WOMBLE and others would resell the illegally obtained controlled and non-controlled prescription drugs to

individuals for their personal use or to individuals, including APRIL MOORE, who, in turn, would resell the drugs to others.

10. The defendants would regularly use telephones to facilitate their narcotics trafficking activities, to make arrangements for the purchase or sale of controlled substances and to discuss other matters related to the goals of the conspiracy.

11. The defendants would conceal the true nature of their criminal activities and conceal profits from the resale of controlled and non-controlled prescription drugs through businesses such as car repair and car wash facilities.

12. WILLIAM HENRY MULDROW and others would also obtain cocaine base for distribution to many of the same persons who purchased the illegally obtained controlled and non-controlled prescription drugs from the defendants.

13. RICARDO WOMBLE and WILLIAM HENRY MULDROW often attempted to elude detection by law enforcement officers by, among other things, driving their vehicles in ways that ensured that law enforcement officers would not be able to effectively maintain physical surveillance of them.

Overt Acts

In furtherance of the conspiracy, and to effect the objects thereof, at least one of the coconspirators herein committed or caused to be committed at least one of the following overt acts, among others, in the District of Maryland and elsewhere:

14. On or about February 26, 1999, CURTIS SAMPLE did provide his Medicaid card to JERRY LEWIS PUGH to obtain 136 tablets of Endocet 5/325 mg., a Schedule II controlled substance, from Super Fresh Pharmacy, in Ellicott City, Maryland, using a prescription bearing

the provider name “Jamal Mikdashi, MD, Maryland General Hospital,” and patient name “CURTIS SAMPLE.”

15. On or about March 3, 1999, JERRY LEWIS PUGH, RICARDO WOMBLE and CURTIS SAMPLE did travel to Super Fresh Pharmacy, in Ellicott City, Maryland, where JERRY LEWIS PUGH did attempt to obtain 120 tablets of Klonopin 2 mg., a Schedule IV controlled substance, using a prescription bearing the provider name “Jamal Mikdashi, MD, Maryland General Hospital,” and patient name “Mia Robinson.”

16. On or about February 26, 2001, WILLIAM HENRY MULDROW did possess with intent to distribute 100 tablets of Oxycontin 40 mg., a Schedule II controlled substance.

17. On or about October 15, 2001, JERRY LEWIS PUGH did travel to Neighborcare Pharmacy, in Glen Burnie, Maryland, and did attempt to obtain 136 tablets of Oxycontin 40 mg., a Schedule II controlled substance, using a prescription bearing the provider name “Jennifer Stearns, MD, Harford County Medical Associates,” and patient name “Terry James.”

18. On or about March 3, 2002, MELVIN WILLIAMS did travel to Giant Pharmacy, in Baltimore, Maryland, and did obtain 180 tablets of Oxycontin 40 mg., a Schedule II controlled substance, using a prescription bearing the provider name “Gunta Wheeler, MD, Dimension Healthcare System/Division of Oncology,” and patient name “Charles Coles.”

19. On or about March 19, 2002, JERRY LEWIS PUGH did travel to Anchor Pharmacy, in Baltimore, Maryland, and did obtain 180 tablets of Oxycontin 40 mg., a Schedule II controlled substance, using a Medicaid card in the name of “Paula Sample.”

20. On or about March 22, 2002, JERRY LEWIS PUGH did travel to Superfresh Pharmacy, in Odenton, Maryland, and did attempt to obtain 180 tablets of Oxycontin 40 mg., a

Schedule II controlled substance, and 100 tablets of Xanax, a Schedule IV controlled substance, using a Medicaid card in the name of “Dennis Hamlet.”

21. On or about March 28, 2002, MELVIN WILLIAMS did travel to Giant Pharmacy, in Glen Burnie, Maryland, and did obtain 180 tablets of Oxycontin 40 mg., a Schedule II controlled substance, and 100 tablets of Xanax 2 mg., a Schedule IV controlled substance, using a prescription bearing the provider name “Dale Barnes, MD, Dimension Healthcare System/Division of Oncology,” and patient name “Sharon Oliver.”

22. On or about March 29, 2002, MELVIN WILLIAMS did travel to Giant Pharmacy, in Glen Burnie, Maryland, and did obtain 180 tablets of Oxycontin 40 mg., a Schedule II controlled substance, using a prescription bearing the provider name “Dale Barnes, MD, Dimension Healthcare System/Division of Oncology,” and patient name “Sharon Oliver.”

23. On or about April 9, 2002, JERRY LEWIS PUGH did travel to Anchor Pharmacy, in Baltimore, Maryland, and did attempt to obtain 180 tablets of Oxycontin 40 mg., a Schedule II controlled substance, using a Medicaid card in the name of “Paula Sample.”

24. On or about April 19, 2002, RICARDO WOMBLE did give JERRY LEWIS PUGH a fraudulent prescription for 136 tablets of Oxycontin 80 mg., a Schedule II controlled substance, in the name of patient “Ralph Young.”

25. On or about April 19, 2002, JERRY LEWIS PUGH did travel to Giant Pharmacy, in Glen Burnie, Maryland, and did obtain 136 tablets of Oxycontin 80 mg., a Schedule II controlled substance, using a Medicaid card in the name of “Ralph Young.”

26. On or about April 24, 2002, JOHN LEE FULTON, SR., RICARDO WOMBLE and JANICE CRYSTAL RYLES FULTON did incorporate the business known as “The Rack Room

Hand Car Wash, Detailing and Game Room LLC” (hereafter “the Rack Room”).

27. On or about May 20, 2002, MELVIN WILLIAMS did travel to Giant Pharmacy, in Baltimore, Maryland, and did obtain 136 tablets of Oxycontin 80 mg., a Schedule II controlled substance, using a prescription bearing the provider name “Michael Kim, MD, Anne Arundel County Medical Center, Division of Oncology,” and patient name “Maurice Sydnor.”

28. At a date unknown to the Grand Jury, but prior to June 7, 2002, JOHN LEE FULTON, SR., RICARDO WOMBLE, WILLIAM HENRY MULDROW and others did set up business operations for the Rack Room located at 3704 S. Hanover Street, Suite 103, Baltimore, Maryland.

29. On or about June 7, 2002, WILLIAM HENRY MULDROW did possess with intent to distribute 100 tablets of Percocet 5/325 mg., a Schedule II controlled substance, at Lexington Market, in Baltimore City, Maryland.

30. On or about June 7, 2002, MELVIN WILLIAMS did meet with JOHN LEE FULTON, SR. and RICARDO WOMBLE at approximately 12:00 p.m. at 3704 S. Hanover Street, Baltimore, Maryland to discuss drug transactions.

31. On or about July 3, 2002, ANTHONY CUNNINGHAM did travel to Giant Pharmacy, in Burtonsville, Maryland and did obtain 100 tablets of Oxycontin 80 mg., a Schedule II controlled substance, and 120 tablets of Klonopin 2 mg., a Schedule IV controlled substance, using prescriptions bearing the provider name “Michael Kim, MD, Shady Grove Adventist Hospital/Internal Medicine,” and patient name “Bernard Brice.”

32. On or about July 8, 2002, ANTHONY CUNNINGHAM did travel to ProCare, in Baltimore, Maryland and did obtain 100 tablets of Percocet 5/325 mg., a Schedule II controlled

substance, using a prescription bearing the provider name “Michael Kim, MD, Shady Grove Adventist Hospital/Internal Medicine,” and patient name “Bernard Brice.”

33. On or about September 1, 2002, JOHN LEE FULTON, SR., WILLIAM HENRY MULDROW, RICARDO WOMBLE and others did relocate the Rack Room to 1228 Hollins Street, Baltimore, Maryland.

34. On or about September 4, 2002, RICARDO WOMBLE transported a “runner” to Total Health Care Pharmacy, Baltimore, Maryland, in order to obtain 100 tablets of Oxycontin 40 mg., a Schedule II controlled substance, using a Medicaid card in the name of “William Towles.”

35. On or about November 19, 2002, SHERRY HEAVEL and LARRY HALL did travel to Takoma Park Pharmacy, in Takoma Park, Maryland, where HALL did obtain 120 tablets of Percocet 5/325 mg., a Schedule II controlled substance, using a prescription bearing the provider name “David Gutterman, MD, Shady Grove Adventist Hospital/Internal Medicine,” and patient name “LARRY HALL.”

36. On or about November 25, 2002, WILLIAM HENRY MULDROW and SHERRY HEAVEL did travel to Takoma Park Pharmacy, in Takoma Park, Maryland, where HEAVEL did obtain 100 tablets of Percocet 5/325 mg., a Schedule II controlled substance, using a prescription bearing the provider name “David Gutterman, MD, Shady Grove Adventist Hospital,” and patient name “Lavinia Henry.”

37. On or about December 7, 2002, SHERRY HEAVEL did travel to Takoma Park Pharmacy, in Takoma Park, Maryland, where she did attempt to obtain 120 tablets of Percocet 5/325 mg., a Schedule II controlled substance, using a prescription bearing the provider name

“David Gutterman, MD, Shady Grove Adventist Hospital/Internal Medicine,” and patient name “LARRY HALL.”

38. On or about December 9, 2002, SHERRY HEAVEL did travel to Takoma Park Pharmacy, in Takoma Park, Maryland, where she did obtain 30 tablets of Percocet 5/325 mg., a Schedule II controlled substance, using a prescription bearing the provider name “David Gutterman, MD, Shady Grove Adventist Hospital/Internal Medicine,” and patient name “Rebecca Jones.”

39. On or about December 12, 2002, WILLIAM HENRY MULDROW, RICARDO WOMBLE and SHERRY LYN HEAVEL did travel to Takoma Park Pharmacy, in Takoma Park, Maryland to attempt to obtain 70 tablets of Percocet 5/325 mg., a Schedule II controlled substance, and 100 tablets of clonazepam 2 mg., a Schedule IV controlled substance, using prescriptions bearing the provider name “David Gutterman, MD, Shady Grove Adventist Hospital/Internal Medicine,” and patient name “Rebecca Jones.”

40. On or about December 12, 2002, WILLIAM HENRY MULDROW, RICARDO WOMBLE and SHERRY LYN HEAVEL did travel to Giant Pharmacy, in Marlow Heights, Maryland, to attempt to obtain 180 tablets of Percocet 5/325 mg., a Schedule II controlled substance, using a prescription bearing the provider name “Amatun Naeem, MD, Washington Clinic,” and patient name “Janet McCoy.”

41. On or about January 22, 2003, SHERRY LYN HEAVEL did travel to CVS Pharmacy, in Baltimore, Maryland and did attempt to obtain 100 tablets of Xanax 1 mg., a Schedule IV controlled substance, using a prescription bearing the provider name “Anradha Reddy, MD, Harford Memorial Hospital Center,” and patient name “Crystal Turnbaugh.”

42. On or about March 12, 2003, WILLIAM HENRY MULDROW, RICARDO WOMBLE and two others did travel to Giant Pharmacy, in Germantown, Maryland, and did attempt to obtain 100 tablets of Oxycontin 80 mg., a Schedule II controlled substance, and 100 tablets of Klonopin 2 mg., a Schedule IV controlled substance, using prescriptions bearing the provider name “Anradha Reddy, MD, Sinai Hospital Health Center/Cancer Center,” and patient name “Wallace McKay.”

43. On or about April 14, 2003, JOHN LEE FULTON, SR. did travel to Target Pharmacy, in Laurel, Maryland, and did obtain 100 tablets of Oxycontin 40 mg., a Schedule II controlled substance, using a prescription bearing the provider name “Walker Williams, MD,” and patient name “Ashley Hooper.”

44. On or about April 18, 2003, MULDROW did travel to Kinko’s copy store located on N. Charles Street, Baltimore, Maryland, to make photocopies of fraudulent prescription forms.

45. On or about May 15, 2003, JERRY LEWIS PUGH and RICARDO WOMBLE did travel to Target Pharmacy, in Columbia, Maryland, to present a fraudulent prescription to the pharmacist.

46. On or about July 3, 2003, JERRY LEWIS PUGH did travel to Target Pharmacy, in Aberdeen, Maryland and did attempt to obtain 120 tablets of Percocet 5/325 mg., a Schedule II controlled substance, using a prescription bearing the provider name “Robert Korman, MD, University of Maryland Medical System,” and patient name “Tyrone Lewis.”

47. On or about July 16, 2003, WILLIAM HENRY MULDROW, JERRY LEWIS PUGH and JOHN DOE a/k/a “POP” did travel to CVS Pharmacy, in Riverdale, Maryland, at approximately 4:10 p.m., and did obtain 100 tablets of Phenergan 50 mg., a noncontrolled

prescription medication, using a prescription bearing the provider name “Boyd Dwyer, MD, University of Maryland Medical System,” and patient name “Calvin Hall.”

48. On or about July 16, 2003, WILLIAM HENRY MULDROW, JERRY LEWIS PUGH and JOHN DOE, a/k/a “POP” did travel to CVS Pharmacy, in Greenbelt, Maryland, at approximately 4:58 p.m., and did obtain 100 tablets of Klonopin 2 mg., a Schedule IV controlled substance, using a prescription bearing the provider name “Boyd Dwyer, MD, University of Maryland Medical System,” and patient name “Raymond Peggisee.”

49. At a date unknown to the Grand Jury, but after September 5, 2003 and prior to November 4, 2003, RICARDO WOMBLE did possess with the intent to distribute 100 tablets of Klonopin 2 mg., a Schedule IV controlled substance.

50. At a date unknown to the Grand Jury, but after September 17, 2003 and prior to November 4, 2003, RICARDO WOMBLE did possess with the intent to distribute 60 tablets of Oxycontin 80 mg., a Schedule II controlled substance.

51. On or about September 19, 2003, JOHN LEE FULTON, SR. and APRIL MOORE did travel to Target Pharmacy, in Laurel, Maryland and did obtain 120 tablets of clonazepam 2 mg., a Schedule IV controlled substance, using a prescription bearing the provider name “Wendy Williams, MD,” and patient name “APRIL MOORE.”

52. On or about September 23, 2003, WILLIAM HENRY MULDROW and RICARDO WOMBLE met with an undercover agent to discuss renting 1228 Hollins Street, Baltimore, Maryland.

53. On or about October 7, 2003, RICARDO WOMBLE signed a lease agreement for 1228 Hollins Street, Baltimore, Maryland.

54. On or about October 14, 2003, at approximately 7:00 p.m., MICHELLE SCOTT did travel to Target Pharmacy, in Laurel, Maryland, and did obtain 100 tablets of Xanax 2 mg., a Schedule IV controlled substance, and 100 tablets of Phenergan 50 mg., a noncontrolled prescription medication, using prescriptions bearing the provider name “Flores Jaimel, MD, Johns Hopkins University,” and patient name “LOUIS HAMMOND.”

55. On or about October 14, 2003, at approximately 10:00 p.m., RICARDO WOMBLE, WILLIAM HENRY MULDROW and MICHELLE SCOTT did meet at the Rack Room and did engage in a series of conversations about obtaining benzodiazepine by use of a fraudulent prescription and did discuss plans to obtain further controlled substances including Oxycontin, a Schedule II controlled substance.

56. On or about October 15, 2003, LOUIS HAMMOND did travel to CVS Pharmacy, in Landover, Maryland, and did obtain 100 tablets of alprazolam 1 mg., a Schedule IV controlled substance, and gave the alprazolam to RICARDO WOMBLE.

57. On or about October 15, 2003, WILLIAM HENRY MULDROW and JOHN LEE FULTON, SR. did engage in a series of conversations at the Rack Room during which they discussed obtaining controlled substances that day by use of fraudulent prescriptions.

58. On or about October 15, 2003, at approximately 1:37 p.m., WILLIAM HENRY MULDROW did count and separate prescription pills at the Rack Room.

59. On or about October 16, 2003, WILLIAM HENRY MULDROW did sell fifty pills to an unidentified person at the Rack Room.

60. On or about October 16, 2003, WILLIAM HENRY MULDROW did possess a large quantity of pills in a plastic bag at the Rack Room.

61. On or about October 16, 2003, RICARDO WOMBLE did meet WILLIAM HENRY MULDROW at the Rack Room and did distribute to him a bottle containing prescription pills.

62. On or about October 16, 2003, MICHELLE SCOTT did meet WILLIAM HENRY MULDROW at the Rack Room and did give him a Medicaid card to use to obtain fraudulent prescriptions.

63. On or about October 17, 2003, at approximately 12:20 p.m., MICHELLE SCOTT did obtain colored paper to make fraudulent prescriptions.

64. On or about October 17, 2003, at approximately 3:00 p.m., WILLIAM HENRY MULDROW did distribute prescription pills to a person known to the Grand Jury at the Rack Room.

65. On or about October 17, 2003, at approximately 3:00 p.m., WILLIAM HENRY MULDROW, MICHELLE SCOTT and a person known to the Grand Jury did engage in a series of conversations at the Rack Room about obtaining cocaine.

66. On October 22, 2003, at approximately 6:20 p.m., JOHN LEE FULTON, SR. and RICARDO WOMBLE did engage in a series of conversations at the Rack Room about purchasing controlled substances.

67. On or about October 23, 2003, JOHN LEE FULTON, SR., APRIL MOORE and an unidentified person did travel to Target, in Glen Burnie, Maryland, to obtain 100 tablets of Xanax 2 mg., a Schedule IV controlled substance, using a prescription bearing the provider name "Wendy Williams, MD, Northwest Hospital Center," and patient name "Jackie Graves."

68. On or about October 24, 2003, at approximately 9:30 p.m., WILLIAM HENRY MULDROW did distribute cocaine base and Percocet to an unidentified female.

69. On or about October 25, 2003, at approximately 1:23 p.m., WILLIAM HENRY MULDROW did engage in a conversation with “Bill” about MULDROW’s purchase of marijuana from him.

70. On or about October 25, 2003, at approximately 5:30 p.m., WILLIAM HENRY MULDROW did distribute prescription pills to an unidentified female at the Rack Room.

71. On or about October 26, 2003, at approximately 12:00, WILLIAM HENRY MULDROW, MICHELLE SCOTT and RICARDO WOMBLE did meet at the Rack Room to prepare and obtain fraudulent prescriptions to be submitted to pharmacies.

72. On or about October 26, 2003, WILLIAM HENRY MULDROW and MICHELLE SCOTT did pick up LOUIS HAMMOND on Saratoga Street, in Baltimore, Maryland and did travel to a nearby Kinko’s copy store where MULDROW made photocopies of fraudulent prescriptions.

73. On or about October 26, 2003, WILLIAM HENRY MULDROW, MICHELLE SCOTT and LOUIS HAMMOND did drive to Rite Aid Pharmacy in Aberdeen, Maryland, where HAMMOND did obtain 100 tablets of Xanax 1 mg., a Schedule IV controlled substance, using a prescription bearing the provider name “Flores Jaimel, MD, The Johns Hophins Hospital,” and patient name “Edward McCutcheon.”

74. On or about October 27, 2003, WILLIAM HENRY MULDROW, MICHELLE SCOTT and LOUIS HAMMOND did meet at the Rack Room, in Baltimore, Maryland, to prepare and obtain fraudulent prescriptions to be submitted to pharmacies.

75. On or about October 27, 2003, WILLIAM HENRY MULDROW, MICHELLE SCOTT and LOUIS HAMMOND did travel to ABH Pharmacy, at Baltimore, Maryland, at

approximately 4:22 p.m. where they did obtain 120 tablets of Percocet 5/325 mg., a Schedule II controlled substance, using a prescription bearing the provider name “Flores Jaimel, MD, The Johns Hophins Hospital,” and patient name “Doris Brown.”

76. On or about October 28, 2003, WILLIAM HENRY MULDROW, MICHELLE SCOTT and LOUIS HAMMOND did meet at the Rack Room, in Baltimore, Maryland, to prepare and obtain fraudulent prescriptions to be submitted to pharmacies..

77. On or about October 28, 2003, WILLIAM HENRY MULDROW, MICHELLE SCOTT, and LOUIS HAMMOND did travel to a Giant Pharmacy in Burtonsville, Maryland, at approximately 12:00 p.m., where they did obtain 100 tablets of Xanax 2 mg., and 100 tablets of Klonopin 2 mg., Schedule IV controlled substances, using prescriptions bearing the provider name “Flores Jaimel, MD, The Johns Hophins Hospital,” and patient name “Stephen Wright.”

78. On or about October 28, 2003, WILLIAM HENRY MULDROW, MICHELLE SCOTT and LOUIS HAMMOND did travel to Shoppers Food Warehouse in College Park, Maryland, at approximately 1:35 p.m., where they did obtain 120 tablets of Endocet 5/325 mg., a Schedule II controlled substance, using a prescription bearing the provider name “Flores Jaimel, MD, The Johns Hophins Hospital,” and patient name “Doris Johnson.”

79. On or about October 28, 2003, at approximately 5:30 p.m., WILLIAM HENRY MULDROW did distribute Klonopin and Xanax, Schedule IV controlled substances, to APRIL MOORE at the Rack Room.

80. On or about October 29, 2003, LOUIS HAMMOND did travel to Walgreen’s Pharmacy, in Baltimore, Maryland, and did obtain 100 tablets of Oxycontin 80 mg., a Schedule II controlled substance, using a prescription bearing the provider name “Flores Jaimel, MD, The

Johns Hophins Hospital,” and patient name LOUIS HAMMOND.

81. On or about October 29, 2003, at approximately 12:00 noon, WILLIAM HENRY MULDROW did distribute prescription pills to RICARDO WOMBLE.

82. On or about October 29, 2003, at approximately 12:30 p.m., WILLIAM HENRY MULDROW did give fraudulent prescriptions to RICARDO WOMBLE.

83. On or about October 30, 2003, WILLIAM HENRY MULDROW did possess with intent to distribute approximately 20 grams of cocaine base.

84. On or about October 30, 2003, WILLIAM HENRY MULDROW did possess a loaded Ruger, 22 caliber, 10/22 rifle, serial #250-21507, along with a quantity of cocaine base, a Schedule II controlled substance, in the trunk of his vehicle.

85. On or about November 1, 2003, JOHN LEE FULTON, SR. did travel to Weinberg Pharmacy, in Baltimore, Maryland and did attempt to obtain 60 tablets of Oxycontin 80 mg., a Schedule II controlled substance, using a prescription bearing the provider name “Robert Korman, MD, University of Maryland Medical Systems,” and patient name “James Francis.”

86. On or about November 1, 2003, JOHN LEE FULTON, SR. did travel to Weinberg Pharmacy, in Baltimore, Maryland, and did attempt to obtain 120 tablets of Xanax 2 mg., a Schedule IV controlled substance, using a prescription bearing the provider name “Robert Korman, MD, University of Maryland Medical Systems,” and patient name “William Foster.”

87. On or about November 1, 2003, JOHN LEE FULTON, SR. did travel to Weinberg Pharmacy, in Baltimore, Maryland, and did attempt to obtain 120 tablets of Xanax 2 mg., a Schedule IV controlled substance, using a prescription bearing the provider name “Wendy Williams, MD, Northwest Hospital Center,” and patient name “Larry Thompson.”

88. On or about November 4, 2003, RICARDO WOMBLE did possess a 9 mm Luger, Model #P95DC, serial #31385996.

21 U.S.C. § 846

COUNT TWO

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 11 and Paragraphs 19, 24, 25, 39, 73 and 80 of Count One are incorporated here.

Introduction

2. At all times relevant to this Indictment, the Medicare and Medicaid Programs were federal health insurance programs established by Title 18 of the Social Security Act of 1965 for people age 65 or older, certain disabled people under 65 and people with limited or no income. Medicare and Medicaid were administered by the Center for Medicare and Medicaid Services (“CMMS”), formerly known as the Health Care Financing Administration, of the United States Department of Health and Human Services. Medicare and Medicaid benefits and non-institutional health care provider reimbursements were paid out of general tax revenue and premiums paid by qualified persons enrolled in the program.

3. At all times relevant to this Indictment, medical providers, including pharmacists, who sought reimbursement for pharmaceuticals provided in Maryland to individuals covered by Medicare or Medicaid, were required to complete claim forms and submit them to the Maryland Department of Health and Mental Hygiene (“DHMH”). Upon receiving a Medicare or Medicaid claim form, DHMH, utilizing CMMS policies, determined whether the claim qualified for payment and, if so, the proper amount of the reimbursement. The claim forms were required to reflect, among other things, the identity, quantity and strength of the prescribed pharmaceutical, the location where the service was rendered, the date the service was rendered, the patient who received the service and the medical provider who prescribed the pharmaceutical.

The Scheme to Defraud

4. It was part of the scheme to defraud that the defendants, in order to obtain payments from the Maryland Department of Health and Mental Hygiene, which administers the Medicaid and Medicare programs on behalf of the federal government, would submit or cause to be submitted claims seeking reimbursement for prescriptions that were fraudulent in that the prescriptions were not prescribed, in fact, by the medical providers whose names appeared on the prescriptions or were not prescribed to the patients whose names appeared on the prescriptions.

5. Beginning on a date unknown the Grand Jury, but at least as of in or about February of 1999, and continuing through in or about November of 2003, in the District of Maryland and elsewhere, the defendants,

**WILLIAM HENRY MULDROW,
a/k/a “Willie,” a/k/a “William Cooper,” a/k/a “Fred Washington,”
RICARDO JAMES WOMBLE,
a/k/a “Rick,”
JERRY LEWIS PUGH,
SHERRY LYN HEAVEL,
a/k/a “Michelle Beighan,” a/k/a “Crystal T. Turnbaugh,” a/k/a “Sherry Watkins,”
MELVIN WILLIAMS,
LOUIS HAMMOND, and
MICHELLE SCOTT,
a/k/a “Sherry,”**

did knowingly and wilfully execute and attempt to execute a scheme and artifice to defraud health care benefit programs, to wit, the Medicare and Medicaid programs, in connection with the delivery of and payment for health care benefits, items and services.

18 U.S.C. § 1347
18 U.S.C. § 2

COUNT THREE

The Grand Jury for the District of Maryland further charges that:

On or about February 26, 1999, in the District of Maryland, the defendant,

CURTIS SAMPLE,

did alter, mutilate, destroy, obliterate, and remove the whole or any part of the labeling of a drug, and did commit any act, and caused another to commit an act, with respect to a drug, while such article was held for sale, after the drug was shipped in interstate commerce, to wit, causing a pharmacist to dispense 136 tablets of Endocet 5/325 mg., a Schedule II controlled substance, without a valid prescription, which resulted in the drug being misbranded while held for sale, as defined in 21 U.S.C. § 353(b)(1).

21 U.S.C. § 331(k)

18 U.S.C. § 2

COUNT FOUR

The Grand Jury for the District of Maryland further charges that:

On or about October 15, 2001, in the District of Maryland and elsewhere, the defendant,

JERRY LEWIS PUGH,

did knowingly use, without lawful authority, a means of identification of another person, to wit, Drug Enforcement Administration Controlled Substance Number BS6844321, which was issued to Jennifer Stearns, MD, with the intent to commit and to aid and abet unlawful activity that constitutes a violation of federal law, to wit, conspiracy to distribute and possess with intent to distribute Schedule II and Schedule IV controlled substances, which is a drug trafficking crime as defined in 18 U.S.C. § 929(a)(2).

18 U.S.C. § 1028(a)(7)

18 U.S.C. § 2

COUNT FIVE

The Grand Jury for the District of Maryland further charges that:

On or about March 3, 2002, in the District of Maryland and elsewhere, the defendant,

MELVIN WILLIAMS,

did knowingly use, without lawful authority, a means of identification of another person, to wit, Drug Enforcement Administration Controlled Substance Number BW2894017, which was issued to Gunta Wheeler, MD, with the intent to commit and to aid and abet unlawful activity that constitutes a violation of federal law, to wit, conspiracy to distribute and possess with intent to distribute Schedule II and Schedule IV controlled substances, which is a drug trafficking crime as defined in 18 U.S.C. § 929(a)(2).

18 U.S.C. § 1028(a)(7)

18 U.S.C. § 2

COUNT SIX

The Grand Jury for the District of Maryland further charges that:

On or about June 7, 2002, in the District of Maryland, the defendant

**WILLIAM HENRY MULDROW,
a/k/a “Willie,” a/k/a “William Cooper,” a/k/a “Fred Washington,”**

did knowingly, unlawfully and intentionally distribute and possess with intent to distribute approximately 100 tablets of Percocet 5/325 mg., a Schedule II controlled substance.

21 U.S.C. § 841(a)

18 U.S.C. § 2

COUNT SEVEN

The Grand Jury for the District of Maryland further charges that:

On or about July 8, 2002, in the District of Maryland and elsewhere, the defendant,

ANTHONY CUNNINGHAM,

did knowingly use, without lawful authority, a means of identification of another person, to wit, Drug Enforcement Administration Controlled Substance Number BK1976781, which was issued to Michael Kim, MD, with the intent to commit and to aid and abet unlawful activity that constitutes a violation of federal law, to wit, conspiracy to distribute and possess with intent to distribute Schedule II and Schedule IV controlled substances, which is a drug trafficking crime as defined in 18 U.S.C. § 929(a)(2).

18 U.S.C. § 1028(a)(7)

18 U.S.C. § 2

COUNT EIGHT

The Grand Jury for the District of Maryland further charges that:

On or about November 19, 2002, in the District of Maryland, the defendants,

**SHERRY LYN HEAVEL,
a/k/a “Michelle Beighan,”
a/k/a “Crystal T. Turnbaugh,”
a/k/a “Sherry Watkins,” and
LARRY HALL,**

did knowingly and unlawfully acquire and obtain possession of 120 tablets of Percocet 5/325 mg., a Schedule II controlled substance, by misrepresentation, fraud, deception and subterfuge, to wit, by using a prescription bearing the provider name “David Gutterman, MD, Shady Grove Adventist Hospital/Internal Medicine,” and patient name of “LARRY HALL.”

21 U.S.C. § 843(a)
18 U.S.C. § 2

COUNT NINE

The Grand Jury for the District of Maryland further charges that:

On or about July 16, 2003, in the District of Maryland, the defendants,

**WILLIAM HENRY MULDROW,
a/k/a “Willie,” a/k/a “William Cooper,” a/k/a “Fred Washington,”
JERRY LEWIS PUGH, and
JOHN DOE,
a/k/a “Pop,”**

did knowingly and unlawfully acquire and obtain possession of 100 tablets Klonopin 2 mg., a Schedule IV controlled substance, by misrepresentation, fraud, deception and subterfuge, to wit, using a prescription bearing the provider name “Boyd Dwyer, MD, University of Maryland Medical System,” and patient name “Raymond Peggiee.”

21 U.S.C. § 843(a)
18 U.S.C. § 2

COUNT TEN

The Grand Jury for the District of Maryland further charges that:

On or about October 28, 2003, in the District of Maryland, the defendants,

**WILLIAM HENRY MULDROW,
a/k/a “Willie,” a/k/a “William Cooper,” a/k/a “Fred Washington” and
MICHELLE SCOTT,
a/k/a “Sherry,”**

did knowingly, unlawfully and intentionally distribute and possess with intent to distribute
clonazepam and alprazolam, both which are Schedule IV controlled substances.

21 U.S.C. § 841(a)
18 U.S.C. § 2

COUNT ELEVEN

The Grand Jury for the District of Maryland further charges that:

On or about October 28, 2003, in the District of Maryland, the defendant,

LOUIS HAMMOND

did alter, mutilate, destroy, obliterate, and remove the whole or any part of the labeling of a drug, and did commit any act, and caused another to commit an act, with respect to a drug, while such article was held for sale, after the drug was shipped in interstate commerce, to wit, caused a pharmacist to dispense 120 tablets of Endocet 5/325 mg., a Schedule II controlled substance, without a valid prescription, which resulted in the drug being misbranded while held for sale, as defined in 21 U.S.C. § 353(b)(1).

21 U.S.C. § 331(k)

18 U.S.C. § 2

COUNT TWELVE

The Grand Jury for the District of Maryland further charges that:

On or about October 30, 2003, in the District of Maryland, the defendant,

**WILLIAM HENRY MULDROW,
a/k/a “Willie,” a/k/a “William Cooper,” a/k/a “Fred Washington,”**

having been previously convicted of one or more crimes punishable by imprisonment for a term exceeding one year, did knowingly and unlawfully possess a firearm, to wit: a Ruger, 22 caliber Rifle 10/22, serial # 250-21507, in and affecting commerce.

18 U.S.C. § 922(g)(1)

COUNT THIRTEEN

The Grand Jury for the District of Maryland further charges that:

On or about October 30, 2003, in the District of Maryland, the defendant,

**WILLIAM HENRY MULDROW,
a/k/a “Willie,” a/k/a “William Cooper,” a/k/a “Fred Washington,”**

knowingly and unlawfully did use and carry a firearm during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, conspiracy to distribute cocaine base and oxycodone, both which are Schedule II controlled substances, in violation of 21 U.S.C. §846, as further described in Count One of this Indictment, which is incorporated herein.

18 U.S.C. § 924(c)

18 U.S.C. § 2

COUNT FOURTEEN

The Grand Jury for the District of Maryland further charges that:

On or about November 4, 2003, in the District of Maryland, the defendant,

RICARDO WOMBLE

having been previously convicted of one or more crimes punishable by imprisonment for a term exceeding one year, did knowingly and unlawfully possess a firearm, to wit: a Ruger 9 mm pistol, Model #P95DC, serial #31385996, in and affecting commerce.

18 U.S.C. § 922(g)(1)

COUNT FIFTEEN

The Grand Jury for the District of Maryland further charges that:

Beginning on a date unknown to the Grand Jury, but at least as of in or about September 1, 2003, and continuing through in or about November, 2003, in the District of Maryland and elsewhere, the defendants,

**JOHN LEE FULTON, SR.,
a/k/a “Johnnie” and
APRIL MOORE,**

did knowingly use, without lawful authority, a means of identification of another person, to wit, Drug Enforcement Administration Controlled Substance Number BW7800685, which was issued to Wendy Williams, MD, with the intent to commit and to aid and abet unlawful activity that constitutes a violation of federal law, to wit, conspiracy to distribute and possess with intent to distribute Schedule II and Schedule IV controlled substances, which is a drug trafficking crime as defined in 18 U.S.C. § 929(a)(2).

18 U.S.C. § 1028(a)(7)

18 U.S.C. § 2

Thomas M. DiBiagio
United States Attorney

A TRUE BILL:

Foreperson

Date